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Paper No. 28

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JAN 27 2003

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In re application of:)
Bennett, et al.)
Serial Number: 08/999,106) DECISION ON PETITION TO
Filed: December 29, 1997) WITHDRAW HOLDING OF
For: SPEECH ENROLLMENT METHOD) ABANDONMENT

This is a decision on the Petition to Withdraw holding of Abandonment filed June 11, 2002 and supplemental petition filed January 23, 2003.

This application was held abandoned for failure to respond in a timely manner to the Notice of Missing Parts mailed December 8, 2000. A Notice of Abandonment was mailed April 23, 2002.

Petitioner asserts that a proper response was timely filed. In support of the petition, petitioner has submitted a copy of a response to the Notice of Missing Parts bearing a Certificate of Mailing dated December 15, 2002. The petitioner has also submitted a statement of Dorre Woods attesting to the timely mailing.

37 C.F.R. § 1.8(b) states that in the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

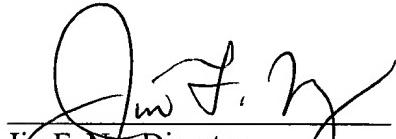
- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence,
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate, and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition complies with the requirements set forth in 37 C.F.R. § 1.8(b).

Accordingly, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The Petition is **GRANTED**.

The application file is being forwarded to the technical support staff for processing, whereafter, it will be forwarded to the examiner for further examination.



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